

REMARKS

I. Introduction

Claims 8-14 are currently pending in the present application. Claim 8 has been amended. In view of the following remarks, it is respectfully submitted that all pending claims are allowable, and reconsideration of these claims is respectfully requested.

II. Rejection of Claims 8-14 under 35 U.S.C § 103(a)

Claims 8-14 are rejected under 35 U.S.C § 103(a) as being obvious over U.S. Patent No. 6,095,554 ("Foo") in view of U.S. Patent No. 5,882,034 ("Davis"). Applicants respectfully submit that the rejection should be withdrawn for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 8 has been amended to recite, in relevant part, “**an inertial sensor system situated in a first location in the vehicle; a processor for evaluating a signal of the inertial sensor system situated in a second location in the vehicle, wherein the second location is not a vehicle tunnel**”; and a firing circuit control, which is triggered as a function of a second signal of the processor, situated in a third location in the vehicle.”

The Examiner contends that col. 3, line 50 and col. 5, line 40 of Foo disclose “an inertial sensor system situated in a first location” and “a processor for evaluating a signal of the inertial sensor system situated in a second location.” The cited sections of Foo refer to the use of multiple accelerometers, including a first pair of accelerometers 50, 52 and a second pair of accelerometers 22, 34. Foo does not explicitly describe the location of the central control module 12; instead, the location is implied by referencing the locations of components associated with the control module 12. For example, col. 5, lines 32-35 of Foo describe the **accelerometers 50, 52 as being associated with the control module 12** and electrically connected to a microprocessor 13 of the control module 12. Furthermore, col. 5, lines 40-43 indicate that, although accelerometers can be mounted at other locations (e.g., mounting of the accelerometer 22 on a B pillar according to col. 3, lines 49-51), **the accelerometers 50, 52 are mounted in a transmission tunnel**, preferably as **part of the control module 12 itself** (see also Figs. 1 and 4, which show central accelerometers forming components within a control module). Regardless of whether the accelerometers 50, 52 are part of the control module, it is apparent that **the control module 12 is located in the transmission tunnel, along with the accelerometers 50, 52**. Therefore, even though the accelerometer 22 may be located elsewhere, **the control module 12 (and therefore the microprocessor 13) is always in the transmission tunnel**. In contrast, claim 8 of the present application separates the processor from any sensor located in the vehicle tunnel, i.e., the processor of claim 8 can be located anywhere **except** the vehicle tunnel.

In addition to the above, Davis does not remedy the deficiencies of Foo as applied against claim 8. Accordingly, the proposed combination of Foo and Davis does not render obvious independent claim 8, as well as dependent claims 9-14. For at least the foregoing reasons, claims 8-14 are allowable over the applied prior art.

IV. Conclusion

In view of all of the above, it is respectfully submitted that all of the presently pending claims are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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